

EXHIBIT 2

DAVID B. SHANIES LAW OFFICE
David B. Shanies
Joel A. Wertheimer
411 Lafayette Street, Sixth Floor
New York, New York 10003
(212) 951-1710 (*Tel*)
(212) 951-1350 (*Fax*)
david@shanieslaw.com
joel@shanieslaw.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RITA DAVE,

Plaintiff,

— against —

THE COUNTY OF SUFFOLK, DETECTIVE
INVESTIGATOR LAWRENCE SHEWARK, P.O.
JANE DOE, AND P.O.S JOHN DOE #1-10,

Defendants.

Case No. 15-CV-3864 (JMA) (GRB)

**NOTICE OF
RULE 45 SUBPOENA
AND COMMAND
TO PRODUCE DOCUMENTS**

TO: Ernesto Pizarro

YOU ARE HEREBY COMMANDED, pursuant to the Federal Rules of Civil Procedure, including Rules 26, 30, and 45 thereof, that by the subpoena of Plaintiff Rita Dave, through her counsel, the David Shanies Law Office, you must produce designated documents, electronically stored information, and tangible things (collectively, “Documents”) in your possession, custody, or control, as set forth below.

You may satisfy your obligations under this subpoena by transmitting copies of the requested Documents to the David Shanies Law Office, 411 Lafayette Street, New York, New York 10003, on or before April 11, 2019.

INSTRUCTIONS

1. Local Rule 26.3 of the U.S. District Court for the Eastern District of New York is incorporated herein by reference. Terms in the singular shall include the plural, and terms in the plural include the singular. Terms in the masculine shall include the feminine, and terms in the feminine shall include the masculine. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The word “any” means all and the word “all” means any. The words “any” and “all” shall be construed as necessary to make a request inclusive rather than exclusive.

2. To the extent a document is sought herein and the document was, but is no longer in your possession, subject to your control, or in existence, state whether it: (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred, voluntarily or involuntarily, to others, or (iv) has been otherwise disposed of; state the date or approximate date of disposition of the document; state the author(s), sender(s), recipient(s) and copyee(s) of the document; summarize the contents of the document; identify the person who authorized its transfer, destruction, or other disposition; state whether the original or a copy thereof is within the possession, custody, or control of any other person; and identify such person(s).

3. The requests contained herein apply to all documents in your possession, custody, or control; and that of your representatives, attorneys, employees, agents, executors, affiliates, or anyone acting or purporting to act on your behalf, regardless of where such documents are located.

4. If you object to any Document request or to providing a particular item of information requested therein, please state the grounds for your objection with specificity, and comply with any portion of the request to which you do not object.

5. For each Document withheld on the grounds of privilege, provide the following information:

- a) The date of the document;
- b) The type of document;
- c) The author of the document;
- d) Any addressee or other recipient of the document, including copyees;
- e) The subject matter of the information withheld;
- f) All persons who have knowledge of the information and their positions or titles;
- g) All persons to whom the information has been revealed and their positions or titles;
- h) If not apparent, the relationship between the author, addressee, and recipients to each other; and
- i) The nature of the privilege claimed and the basis of the claim of privilege.

6. Unless otherwise specified herein, the time period relating to these requests is May 1, 2018 to Present (the “Relevant Time Period”).

7. Plaintiff reserves the right to propound additional requests for production of documents during the pendency of fact discovery in this case.

8. These requests for production are continuing so as to require you to supplement your responses in the event you acquire further information, documents, or other materials between the time your responses are served and the time of trial.

9. Plaintiff reserves the right to seek production of your cell phone(s) and any other communication device(s) for forensic examination.

DEFINITIONS

A. “Person” means natural persons, firms, proprietorships, associations, partnerships, corporations, governmental entities and agencies, and every other type of organization or entity.

B. The term “concerning”, including any variant thereof, includes referring to, responding to, relating to, connected with, commenting on or in respect of, analyzing, touching upon, constituting and being and is not limited to contemporaneous events, actions, communications or documents.

C. “Document” or “Documents” means writing or record of any type or description, including in electronic form, including but not limited to the original or any non-identical copy, regardless of origin or location of any paper, book, pamphlet, newspaper, magazine, periodical, letter, memorandum, telegram, email, text message, social media information, digital file, report, record, study, interoffice or intraoffice communication, photograph, handwritten note, diary, invoice, purchase order, bill of lading, promissory note, check, bank draft, financial record, transcript of court proceeding and/or hearing, transcript of telephone conversation and any other retrievable data processing card, electronic data or metadata, or any other written, electronic, recorded, transcribed, punched, taped, filmed or graphic matter however produced or reproduced to which you have access.

D. The term “you” means you and your representatives, attorneys, employees, agents, executors, affiliates, or anyone acting or purporting to act on your behalf.

DOCUMENT REQUESTS

1. All Documents constituting or concerning communications with Lawrence Shewark, including, but not limited to: all written or electronic materials; phone records; billing records; and documents sufficient to identify all phones or other communication devices in your possession, custody, or control.

2. All Documents constituting or concerning communications with any person concerning Lawrence Shewark, Rita Dave, Mark Pucci, and/or David Douglas, including, but not limited to: all written or electronic materials; phone records; and billing records.

Dated: March 6, 2019
New York, New York

DAVID B. SHANIES LAW OFFICE

By: 
David B. Shanies
Joel A. Wertheimer
411 Lafayette Street, Sixth Floor
New York, NY 10003
(212) 951-1710 (Tel)
(212) 951-1350 (Fax)
david@shanieslaw.com
joel@shanieslaw.com

Attorneys for Plaintiff Rita Dave

TO: Kyle Wood, Esq.
Suffolk County Attorney's Office
100 Veterans Memorial Highway
Hauppauge, New York 11788

Attorney for Defendants